

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

MONTEREY COUNTY OFFICE OF
EDUCATION,

(SALINAS, CALIFORNIA)

Billed Entity No. 144091, of

Decision of Universal Service Administrator
Schools and Libraries Universal Service
Support Mechanism
Form 471 App. No. 870913, FRN 2375291

CC Docket No. 02-6

REQUEST FOR REVIEW BY MONTEREY COUNTY OFFICE OF EDUCATION
OF DECISION OF UNIVERSAL SERVICE ADMINISTRATOR

INTRODUCTION

The Monterey County Office of Education, (the "District") appeals the decision of the Universal Service Administrative Company ("USAC") concerning the Schools and Libraries Universal Service Support Mechanism (also known as the E-Rate program) to deny a Service Delivery Extension for the following Form 471 application number and funding request:

471 870913 FRN 2375291

The District mailed a completed Form 500 requesting a Service Delivery Extension Request and Contract Expiration change for FRNs 2375291 and 2375300 on 9/18/2014, before the 9/30/2014 deadline to submit such requests. When the form was processed and approved by USAC only the Service Delivery Extension Request for FRN 2375300 on page 2B of the Form 500 was granted as it appears that the Contract Expiration Change Requests for both FRNs and the Service Delivery Extension Request for FRN 2375291, which were all on page 2A and included with the Form 500, were overlooked due to an oversight on the part of USAC.

Due to the new formatting of the Form 500, only one Service Delivery Extension Request can be entered on page 2 of the form and supplemental pages must be created for additional requests. The page that contained both Contract Expiration Date Requests and the Service Delivery Extension Request for FRN 2375291 on page 2A was not addressed by USAC during their review of the Form 500 even though they were submitted with the form.

The District filed an appeal with USAC on 10/12/2015 under the assertion that due to this oversight by USAC, during review of the original Form 500, the deadline to submit a Service Delivery Extension Request for FRN 2375291 had passed. That left the District without the option to file an additional Form 500 to correct the oversight. The District strongly believes that USAC has erred in their processing of the original Form 500 and is requesting the Commission review the facts of this case and remand the application to USAC for further review. The District

requests that USAC grants a Service Delivery Extension for FRN 2375291 of 9/30/2017 or later dependent of when a decision is rendered on this appeal.

The Monterey County Office of Education (MCOE) is a vital component of our K-12 education. It serves as a critical link between the county's schools and both state and federal governments, and it provide indispensable and cost-effective services to local schools and districts.

Wireless device connectivity in the modern classroom is critical for educators to deliver modern individualized lessons to their students and allow those students to be effectively assessed to current common core standards. Nowhere is this form of connectivity more advantageous than in the dynamic learning environments that serve some of the District's most at risk students, Alternative Education Students. The E-Rate funded project for which the Service Delivery Extension Request was denied by USAC was critical to update the inadequate system that is in place.

The current wireless connectivity at the District's Alternative Education sites being upgraded with the approved E-Rate funding on FRN 2375291 is woefully inadequate on many levels, including:

- Fewer access points available than needed to provide complete coverage in student and staff areas.
- Access points that do not provide for reliable device connections, especially in high device density areas.
- Access points that are not capable to take advantage of current 802.11 device technologies.
- Controller that does not meet their needs for reporting, troubleshooting and access control.

- Controller and access points that are beyond end of life and cannot be directly manufacturer supported.

The ability to upgrade this system will empower teachers to place students, in all student areas, without concern of their device not being able to connect and disrupting the class flow. Enable rapid reconfiguration of class spaces from teaching to testing layouts. Allow District's IT department to monitor, troubleshoot and control access to the network. And finally, allow for the system to be functional and supported for the foreseeable future.

Below is a timeline of the process that specifically pertains to the requested corrections for FRN 2375291.

09/18/2014 – Original Form 500 (Form Identifier: **MCOE500Y15**) was mailed to SLD Forms with pages 2A and 2B, including both Contract Expiration Date extension and Service Delivery Extension Request.

- This form included a Page 2A and Page 2B, however it would appear that Page 2A (containing contract expiration extension requests - FRNs 2375291, 2375300 - and a service delivery request - FRN 2375291) was not reviewed or processed, but Page 2B (containing a service delivery request for FRN 2375300) was, as that extension was approved on 12/18/2014.

- This Form was delivered September 23, 2014 (USPS Tracking Number: 9207190121230900000297)

See **Exhibit 2** for original Form 500 as mailed.

03/12/2015 – USAC was contacted (SLD Case 22-731206) to inquire as to the status of the Form 500 since the extensions being requested for FRN 2375291 had not yet been approved. It was during this call and subsequent emails that it was discovered that only the Service Delivery Extension Request for FRN 2375300 on Page 2B was processed and approved, however no action was taken on the three (3) items listed on Page 2A. We were instructed to file a new Form 500 by USAC.

See **Exhibit 3** for the email response from USAC.

04/10/2015 – The Form 500 (Form Identifier: **MCOE500Y15_04082015**) was mailed to USAC along with a similar letter as this explaining the oversight of page 2A on the Form 500 submitted on 9/18/2014.

See **Exhibit 4** for original Form 500 and letter as mailed.

08/27/2015 – The Form 500 submitted on 04/10/2015 was denied because USAC 'could not' process the supplemental Form 500 because the original installation deadline had passed even though the original Form 500 was submitted well in advance of the original installation deadline.. See attached Administrator's Decision on Implementation Extension Request.

See **Exhibit 5** for complete USAC response.

10/12/2015- An appeal was filed with USAC requesting that due to its own oversight during the review of the original Form 500, submitted on 09/18/2014, a page was overlooked. As a result the district had to submit an additional Form 500 on 04/10/2015, requesting that the Service Delivery Extension be granted for FRN 2375291.

Please see **Exhibit 6** for appeal letter.

12/18/2015- Received the Administrator's Decision on Appeal – Funding Year 2012-2013, denying the district's request for the Service Delivery Extension of FRN 2375291.

See **Exhibit 7** for the original appeal decision letter

Conclusion

USAC's error during the processing of the original Form 500 requesting the Service Delivery Extension was the reason for the denial, even though the request was filed before the original installation deadline in compliance with E-Rate rules. Due to the time required by USAC to process this request, the error was not discovered until after the original installation deadline had passed. As a result, the district could not submit a new request within the guidelines of the E-Rate program. Therefore, this FRN should be remanded to USAC for processing of the Service Delivery Extension request.

Respectfully Submitted,



Scott Harken
Director, E-Rate Services
CSM Consulting, Inc.